

REMARKS**A. Amendments to the Claims**

Claim 5 is herein cancelled, claims 6–7, 10, and 11 are herein amended, and claim 12 is new. Claims 6–8 and 10–12 are to remain pending following entry of this amendment.

The examiner has repeatedly rejected claims in this application on the asserted ground that the rejected claims failed to comply with the written description requirement of 35 U.S.C. § 112, first paragraph. To assist the examiner in determining compliance with section 112, new claim 12 is reproduced here, annotated to include references to the parts of the specification that support the claim limitations:

12. A magazine-like carrier device for handling and heat treating a plurality of rectangular bags or film packs (p. 1, lines 7–8), the carrier device comprising:

an elongated body comprising a plurality of adjacent parallel v-shaped channels (p. 4, lines 7, 19–21; Fig. 1 (showing parallel v-shaped channels 7 in the body 2, forming the bottoms of the receiving pockets 4)); and

a plurality of partitions affixed flexibly to the body and directed away from the body (p. 3, lines 16–17; p. 4, lines 11–13), substantially parallel to each other and to the channels (p. 3, lines 5–6; Fig. 1 (showing partitions 3 substantially parallel to each other and to the channels 7)), such that a plurality of receiving pockets is formed, each pocket having a v-shaped bottom that is the bottom of one of the channels, each partition forming a wall of one of the pockets, two partitions being affixed between any two adjacent channels (p. 4, lines 11–20);

wherein the width of the carrier device substantially corresponds to the longest dimension of the bags or film packs to be received (p. 4, line 23–p. 5, line 2); and

wherein the height of the carrier device, resulting from the height of the body plus the height of the partitions, is smaller than the length of the shorter lateral edge of the bags or film packs received therein (p. 5, lines 2–5).

The applicants respectfully submit that all pending claims, including new claim 12, satisfy the requirements of 35 U.S.C. § 112.

B. 35 U.S.C. § 112

In the Office action of March 23, 2007 (the “Office Action”), the examiner rejected claims 5–8 and 10–11 under 35 U.S.C. § 112, first paragraph, for failure to comply with the written description requirement. The applicants respectfully submit that this rejection is moot in view of the amendments herein and therefore respectfully request reconsideration and withdrawal of this rejection.

C. 35 U.S.C. § 102

In the Office Action, the examiner rejected claims 5–8 and 10–11 under 35 U.S.C. § 102(b) as anticipated by U.S. patent no. 2,957,973 to Torrez. Torrez discusses an infrared ray cooking device that includes a taco holder, wherein the taco holder includes a wire base that has wire loops welded to it. (Col. 3, lines 22–25.) The applicants respectfully submit that Torrez fails to disclose or suggest a carrier device that comprises a plurality of receiving pockets formed by flexibly affixing partitions to a body that comprises v-shaped channels, as in claim 12.

In the Office Action, the examiner rejected claims 5–8 and 10–11 under 35 U.S.C. § 102(b) as anticipated by U.S. patent no. 3,511,172 to Jones. Jones discusses a taco shell cooking unit that includes a wire frame that includes a series of outer stationary molds and a

corresponding number of hinged inner molds. (Col. 2, lines 60–68.) The applicants respectfully submit that Jones fails to disclose or suggest a carrier device that comprises a plurality of receiving pockets formed by flexibly affixing partitions to a body that comprises v-shaped channels, as in claim 12.

In the Office Action, the examiner rejected claims 5–7 and 10–11 under 35 U.S.C. § 102(b) as anticipated by U.S. patent no. 4,121,510 to Frederick. Frederick discusses a combination cooking rack and pan having a corrugated support platform. (Abstract.) The applicants respectfully submit that Frederick fails to disclose or suggest even the existence of partitions, much less a carrier device that comprises a plurality of receiving pockets formed by flexibly affixing partitions to a body that comprises v-shaped channels, as in claim 12.

In the Office Action, the examiner rejected claims 5–7 and 10–11 under 35 U.S.C. § 102(b) as anticipated by U.S. patent no. 3,994,213 to Brezinski. Brezinski discusses a sandwich preparation and warming pan that comprises a thin rectangular metal sheet with contiguous angular corrugations. (Abstract.) The applicants respectfully submit that Brezinski fails to disclose or suggest even the existence of partitions, much less a carrier device that comprises a plurality of receiving pockets formed by flexibly affixing partitions to a body that comprises v-shaped channels, as in claim 12.

In the Office Action, the examiner rejected claims 5–7 and 10–11 under 35 U.S.C. § 102(b) as anticipated by U.S. patent no. 4,832,208 to Finnegan. Finnegan discusses a storage rack that comprises a unitary sheet of thermoplastic material that includes at least one recess extending from the top of the rack to the bottom. (Abstract.) The applicants respectfully submit that Finnegan fails to disclose or suggest even the existence of partitions, much less a carrier device that comprises a plurality of receiving pockets formed by flexibly affixing partitions to a body that comprises v-shaped channels, as in claim 12.

In the Office Action, the examiner rejected claims 5–7 and 10–11 under 35 U.S.C. § 102(b) as anticipated by U.S. patent no. 3,915,309 to Brazdo. Brazdo discusses a storage rack that comprises a unitary sheet of thermoplastic material that includes at least one recess extending from the top of the rack to the bottom. (Abstract.) The applicants respectfully submit

that Brazdo fails to disclose or suggest a carrier device that comprises a plurality of receiving pockets formed by flexibly affixing partitions to a body that comprises v-shaped channels, as in claim 12. Nor does Brazdo disclose or suggest two partitions being so affixed between any two adjacent v-shaped channels, also as in claim 12.

For the foregoing reasons, the applicants respectfully submit that independent claim 12 is allowable over the cited prior art. Additionally, claims 6–8 and 10–11 depend directly or indirectly upon claim 12, and the applicants further submit that these claims are therefore allowable at least because they include allowable subject matter.

The applicants have set forth arguments that in their view suffice to establish the patentability of the pending claims over the cited prior art, but, for the sake of brevity, they have not responded to each assertion that was made in the Office Action. The applicants reserve the right to assert additional grounds for the patentability of any or all claims, and any lack of specific response to any comment relative to patentability that was made in the Office Action is not to be interpreted as acquiescence in the substance of any such comment.

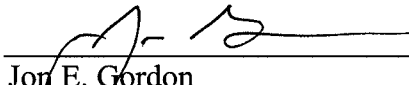
D. Conclusion

For these reasons, the applicant respectfully requests that the examiner withdraw the rejections and allow the claims. Additionally, although the applicants have set forth arguments that in their view suffice to establish the patentability of the pending claims over the cited prior art, for the sake of brevity, they have not responded to each assertion that was made in the Office Action. The applicants reserve the right to assert additional grounds for the patentability of any or all claims, and any lack of specific response to any comment relative to patentability that was made in the Office Action is not to be interpreted as acquiescence in the substance of any such comment.

To expedite prosecution of this application to allowance, the examiner is invited to call the applicant's undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Date: October 8, 2008



Jon E. Gordon
Reg. No. 55,217
Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151
Tel : (212) 588-0800
Fax: (212) 588-0500